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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRITTA BREWER; STACEY MADAMBA, TARRY and NANCY MILLER, husband and wife, on behalf of themselves and all others similarly situated ,	)	Case No. 3:10-cv-01884-JSW
	)	
	)	<b>STIPULATION REGARDING</b>
	)	<b>BRIEFING SCHEDULE ON</b>
	)	<b>DEFENDANTS' MOTION TO DISMISS</b>
Plaintiffs,	)	<b>PENDING MDL RULING</b>
	)	
v.	)	Courtroom: 11 – 19 <sup>th</sup> Floor
	)	Judge: Hon. Jeffrey S. White
BANK OF AMERICA, N.A. and BAC HOME LOANS SERVICING, LP,	)	
	)	
Defendants.	)	

On August 3, 2010, the parties to this action were served with a motion made to the Judicial Panel on Multidistrict Litigation to transfer and to coordinate or consolidate cases against Bank of America N.A., and BAC Home Loans Servicing, LP arising out of the performance of mortgage loan modifications and the administration of duties under the Home Affordable Modification Program. This case was specifically identified as a case to be consolidated for pretrial proceedings pursuant to 28 U.S.C. § 1407. The motion to consolidate this case with other similar cases around

the country has been set on the Panel's docket when it next convenes on September 30, 2010. In the event the Panel consolidates this case with similar cases, the parties expect that the Plaintiffs will file a consolidated amended complaint, thereby requiring subsequent responsive pleading. In order to avoid duplicative work and otherwise wasting resources, the parties agree that current pending deadlines should be stayed and stipulate that the deadlines for briefing on Defendants' currently pending motion to dismiss shall be stayed pending a ruling by the Judicial Panel on Multidistrict Litigation. In the event the Panel denies the motion to transfer this case along with related cases to a single district for coordinated or consolidated pretrial proceedings,

1. Within 15 days of receiving notice of the Panel's decision denying the motion to transfer, Defendants shall renote their motion to dismiss consistent with Civil Local Rule 7-2 and 7-3;

2. Plaintiffs' response to Defendants' motion to dismiss shall be due 30 days from the date of the Panel's ruling;

3. Defendants' reply shall be due 14 days following Plaintiffs' response;

4. The parties propose the the Court continue the Case Management Conference, currently scheuduled for October 22, 2010, to a date following a decision on Defendants' motion to dismiss.

DATED: August 12, 2010

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*Attorneys for Defendants*

~~[PROPOSED]~~ ORDER

Pursuant to the Parties' Stipulation Regarding Briefing Schedule on Defendants' Motion to Dismiss Pending MDL Ruling, filed on August 12, 2010, and for good cause having been shown, IT IS HEREBY ORDERED THAT, in the event the Panel denies the motion to transfer this case along with related cases to a single district for coordinated or consolidated pretrial proceedings,

1. Within 15 days of receiving notice of the Panel's decision denying the motion to transfer, Defendants shall renote their motion to dismiss consistent with Civil Local Rule 7-2 and 7-3;

2. Plaintiffs' response to Defendants' motion to dismiss shall be due 30 days from the date of the Panel's ruling;

3. Defendants' reply shall be due 14 days following Plaintiffs' response;

4. The Case Management Conference currently scheduled for October 22, 2010 is VACATED and will be reset at a later date if necessary. The hearing on Defendants' motion to dismiss continued to \_\_\_\_\_, currently set to be heard on October 1, 2010 is VACATED. If and when Defendants' renote their motion, they shall select a date that will be at least two weeks after their reply is due.

DATED: August 13, 2010

  
HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE